IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH.

DATE OF DECISION: November 16,2006

Neha Chored and another ..Petitioners

Versus

CBSE and another ..Respondents

CORAM:- **HON'BLE MR. JUSTICE VINEY MITTAL**
HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Mr. N.L.Sharma, Advocate,
for the petitioners.

Mr. Harsh Aggarwal, Advocate
for respondent No.1.

VINEY MITTAL, J. (ORAL)

Learned counsel appearing for the petitioners has contended that the claim of the petitioners is covered by the judgment (Annexure P-5) and the petitioners are entitled to appear in the examination for additional subject.

On the other hand, Shri Harsh Aggarwal, learned counsel appearing for respondent No.1 has informed the Court that the Central Board of secondary Education-respondent No.1 has not even received the examination forms of the petitioners and as such, no decision could have been taken by the Board for consideration of the request of the petitioners in terms of the judgment (Annexure P-5). Shri Aggarwal has further stated that if the petitioners choose to submit the examination forms now and if the submission of the aforesaid examination forms is permissible after the payment of late fee, the same shall be accepted, otherwise, the Board shall have no objection to permit the petitioners to take their examinations in the next session.

Faced with the aforesaid difficulty, Shri N.L.Sharma, learned counsel appearing for the petitioners has pointed out that although examination forms were sought to be submitted by the petitioners, but the same were not accepted by the respondents. However, it is conceded by the learned counsel that as of today, examination forms had not been submitted by the petitioners.

Keeping in view the stand taken by the learned counsel appearing for respondent No.1-Board, we dispose of the present petition as infructuous. The petitioners shall be at liberty to submit examination forms to the Board in accordance with law, if so permitted along with the late fee. However, if the said forms are not accepted by the Board on account of the fact that the last date for submission of the application is already over, then the petitioners would be at liberty to appear in the next session as per judgment (Annexure P-5).

A copy of this order be given dasti on payment of usual charges.

(VINEY MITTAL)
JUDGE

(H.S.BHALLA)
JUDGE

November 16,2006
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